

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MICHELLE DIMANCHE,

Plaintiff,

v.

MASSACHUSETTS BAY TRANSPORTATION
AUTHORITY, WILLIAM MCCLELLAN,
STEPHANIE BRADE, SHERYL REGISTER,
MAXINE BELL, FRED OLSON AND CHERYL
ANDERSON

Defendant.

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C.A. No.: 1:15-CV-10037-WGY

AFFIDAVIT OF VIRGINIA DAVIS

I, Virginia Davis, hereby depose and say:

1. I worked at the MBTA for twenty-three years as a motorman, which is the same position filled by Ms. Dimanche. I retired at the end of 2011.

2. Since Ms. Dimanche joined the MBTA I saw her discriminated against by white MBTA employees on numerous occasions because she is black and Haitian.

3. At the MBTA, a woman had been attacked and sexually assaulted while parking trains in the Reservoir backyard. This woman reported back to the station with her shirt torn after the assault.

4. Thereafter, the MBTA instructed that women must travel in pairs when parking cars in the Reservoir backyard. The backyard is located far from the station and office as that station. The white individuals in charge, however, directed Ms. Dimanche to proceed alone into the backyard to park trains. These individuals included David Mussina and Kevin Gilfoy, who are white inspectors. I never saw these inspectors

instruct any other female to park trains alone in the Reservoir backyard after the instruction had been issued precluding such actions. Their behavior as to Ms. Dimanche apparently had been engaged in as to place her at risk for a sexual assault.

5. White employees such as Joe Napoli, Ricky Johnson and other white workers consistently ridiculed Ms. Dimanche at work. This behavior continued during the last several years of my employment up until the date I retired.

6. The environment at the MBTA unquestionably is one of the most racially discriminatory situations I ever have seen in my life. White individuals simply discriminate against many black workers.

7. Many black workers simply tolerated the treatment to keep their positions or to obtain opportunities to be promoted.

8. I, however, would not tolerate such treatment on the job. As a result, white employees referred to me as the "fighting nigger." I found that term to be insulting.

9. In late 2011, I had been working at the Boston College yard. I saw William McClellan speaking with white inspectors. During his conversation I heard him say that "as to Dimanche, I'll get that black bitch." Mr. McClellan had been indicating that he would be getting rid of Ms. Dimanche.

10. White inspectors and other white superiors protect white MBTA workers. In my 23 years at the MBTA, rarely if ever did I see a white superior help a black worker. I saw them help white workers frequently.

11. For example, in 2005, I operated a train with Linda Jenesse, a white motorman. She had been operating the first car of a two car trolley. I had been operating the second car.

12. During the ride, she had been operating the trolley erratically. She had been speeding, bypassing certain stops, and travelling too fast on curves. I approached her at a stop. I observed that she had been extremely drunk.

13. I then brought her back to the station. I reported her to the inspector, Mike Dion. He yelled at Ms. Jenesse and said "what the fuck are you doing." Mr. Dion then told me to take Ms. Jenesse across the street and get her something to eat. Mr. Dion never reported Ms. Jenesse's condition to anyone.

14. Thereafter, she continued to appear at work drunk. She drove trains in that condition. Ultimately, yhe MBTA did discharge her for alcohol abuse. Its white employees, however, had permitted her to carry passengers in trolleys while drunk on numerous occasions.

15. I also saw numerous fights between white motormen that never had been reported. None of these individuals ever had been reported for misconduct, suspended or disciplined in any way for their conduct.

16. For example, in 2009, I saw two white motorman, Ray Mouchassa and Steve McKeon, having a first fight at a station. I saw a white inspector break up the fight. He then told each of the men to knock it off. He then walked away.

17. He never reported or disciplined them. I know that because I saw them at work the following day and thereafter.

18. On another occasion I saw Mr. DeFrederico, a motorman, push a woman, Karen Bosewell, at the Boston College station. Two white investigators stopped the altercation. Again the two inspectors told Mr. Defrederico to knock it off. The inspectors then walked away. Mr. DeFrederico never had been disciplined. I saw him working during the following day and thereafter.

19. During the years I worked on the Green Line through the date of retirement, I saw all motorman carry drinks and sometimes lunch onto trolleys which they then drove. This simply had been a practice at the MBTA.

20. This conduct occurred in front of all inspectors and supervisors. The practice had not been a secret. It simply had been the way all motorman acted. The procedure had been an accepted practice at the MBTA on the Green Line.

21. As to fighting I also saw white inspectors beat at least one drunk or homeless person who remained on the train at the end of a route.

22. I saw two white inspectors pull an individual off a train. They then beat this individual mercilessly. They punched him in the face until he bled. I saw these inspectors at work the following day and thereafter. I understand that they never had been disciplined.

23. During my twenty-three years working at the MBTA, I never heard of any employee being written up for making a false report as to reporting that a fellow employee had sworn at him or her.

24. In fact, the interchange of profanity and inappropriate language at the MBTA is common. It happens every day. Inspectors, supervisors, and workers use

profanity on a regular basis. To suggest that someone could be written up for reporting such language is impossible to understand. Everyone exchanged such profanity.

25. I also saw white workers victimize black women sexually. They would pressure them into having sex by suggesting that their employment could be terminated. Various females told me of such activity.

26. On one occasion, a black worker, Verong, told me that a white supervisor would meet her at a hotel to have sex. She said that you do what you need to do to keep your job. I found such behavior to be unbelievable.

27. Please note that you may feel that the incidents referenced to above are exaggerations or untrue. They are not. They really happened.

Signed under the penalties of perjury this __ day of July 2015.

Virginia Davis
Virginia Davis